Supreme Court, U. S.
F I L E D
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No. 97-1343

UNITED STATES SUPREME COURT
WASHINGTON, D. C.
October Term, 1997

In Re: Lawvere vs.
East Lycoming School District, et al.
Appellate Court Case No: 97-7215

Scott and Brenda Lawvere, Ambassadors for Christ
Petitioners

vs.

THE UNITED STATES COURT OF APPEALS,
THIRD CIRCUIT, PHILADELPHIA, PA, et al.
Respondent

On Petition for a Writ of Certiorari To the United States Court of Appeals, Third Circuit

PETITIONERS' REPLY BRIEF TO DEFENDANT PENNSYLVANIA STATE CONSTABLES

Prepared By: Scott and Brenda Lawvere
Ambassadors for Christ,
c/o P.O. Box 46,
Unityville, Penn. 17774
(717)458-4522

BEST AVAILABLE COPY

INTRODUCTION

Comes now Petitioners Scott and Brenda Lawvere, Ambassadors for Christ, to submit their Reply Brief to Pennsylvania State Constables' (Constables) Brief in Opposition, pursuant to Supreme Court Rules of Procedure, Rule 15.6. Plaintiffs object to Defendant's lack of a signed or notarized certificate of service in violation of Supreme Court Rule 29.

PETITIONERS COUNTERSTATEMENT

Petitioners object to Defendant's statement that they are "self styled Ambassadors for Christ" **-Brief p.1-** Petitioners are unsure of counsel's meaning, but clearly state for the record that they are Ambassadors for Christ pursuant to II Corinthians 5:20, since they are reconciled to the Creator, Yahweh:

"We are therefore Christ's ambassadors, as though God were making his appeal through us."

Plaintiffs' so-called "difficulties" **-Brief p.1-** were not "triggered" by any failure on the Plaintiffs' part to comply with statutory compulsory requirements. Such statutory requirements do not exist; there are no rules, regulations, statutes or law compelling non-resident families to enroll children in public schools of the District. Plaintiffs did not violate any alleged compulsory statute since they did not violate implemented and promulgated rules and regulations- such rules and regulations do not exist. United States v. Renis, 794 F.2d 506, 508 (9th Cir 1986).
Plaintiffs' *claims* arise out of damages suffered as a result of the unconscionable acts of the named Defendants under color of law, including but not limited to a Constables act in pointing a loaded 12 gauge shotgun in the faces of Brenda Lawvere and her minor children, and the failure to prevent

such assault by other Constables who stood nearby and watched, not because of some alleged statutory violation. Defendants continue to claim their acts were "justified."

Plaintiffs' object to Defendants' Brief which amounts to nothing more than gibes and a personal attack. Plaintiffs' petition does not focus on "procedural slights" **-Brief p.1-** but on violations of their inherent rights including but not limited to their right to due process.

Plaintiffs are not attorneys or learned in the law; they have attempted to read and study on how best to preserve their rights given to them by Yahweh. Those same rights as outlined by the Mosaic law covenant which this day can be seen on the wall of this Honorable Court, and which are secured by the Bill of Rights, "restrictions" upon the power of government.

> **"PREAMBLE . .** The conventions of a number of the States having at the time of their adopting the Constitution of the United States, expressed a desire, in order to prevent misconstruction or abuse of it's powers, that further declatory and restrictive clauses should be added....."

A. Plaintiffs do not "misrepresent the record".

Plaintiffs object to counsel's statement that Plaintiffs have "misrepresented" the record. Counsel fails to state the fact that Defendant Constables hindered discovery and finally supplemented their answers to Admissions and Interrogatories on August 27, 1996, almost seven (7) months after being duly served same. **(D.C. Docket #187)** Constables also finally served interrogatories under "penalty of perjury", not under oath as required by the Federal Rules of Civil Procedure, also on August 27, 1996, after the deadline for discovery, and after Plaintiffs' submitted their Motion to compel answers to

same under Oath **(Appendix sup. petition pp. 34-35)**. It is not the Plaintiffs who have misrepresented the record.

B. Plaintiffs do not "misrepresent" the facts.

Plaintiffs object to counsels' statements **-Brief p.2-**. The very creation of the quasi-political entity "Pennsylvania State Constables" is pursuant to an unconstitutional custom and policy whereby elected/appointed Constables, using their collective powers of office, created an artificial entity going so far as to rent commercial space and advertise in the white pages under said name. Under Act 147, 1990, 598 A2d 985 (PA 1991) said powers of office for Constables were repealed and never re-enacted. Constable Peterman and his fellow "officers" stated they were representing "Pennsylvania State Constables", when a loaded 12 gauge shotgun was pointed into the faces of Brenda Lawvere and her minor children. There can be no doubt they acted pursuant to an unconstitutional custom and policy since the very entity they created was unconstitutional, illegal and unlawful. Scott v. Vandiver, (1973 CA 4 SC) 476 F.2d 238.

Regarding Plaintiffs' amended complaint **-Brief p.3-**, Plaintiffs only altered the complaint to add the names of the individual Constables whose names were not previously known to them at the time the original complaint was filed.

Plaintiffs object to counsel's statements regarding lack of evidence and their alleged "failure" to submit an affidavit under F.R.C.P Rule 56(f) **-Brief p.2-**. Plaintiff Brenda Lawvere and her daughter Rachel Lawvere submitted notarized Declarations in the form of affidavits, pursuant to U.S.C. Title 28, § 1746 regarding their assault. Plaintiffs also submitted a notarized declaration in the form of affidavit in support of not only their complaint, but also their Brief In Support of Objection to Summary Judgment, **Exhibit "AL"**. Plaintiffs submitted their Declaration in the form of affidavits

since it is against their deeply held spiritual convictions to swear oaths. Plaintiffs notice this court that not one of the Defendant Constables ever submitted an affidavit in their own defense or in support of summary judgment.

Further, failure by the Constables to issue Scott Lawvere a Miranda warning during interrogation is actionable under 42 U.S.C. § 1983. Ney v. California, (1971 CA 9 Cal) 439 F.2d 1285; Miranda v. Arizona, (1966) 384 U.S. 436, 16 L.Ed.2d 694, 86 S.Ct. 1602.

CONCLUSION

The facts, pleadings, and case law on the record show that there were genuine issues of material fact. Therefore, there are questions for review of the decisions made by the Third Circuit Court of Appeals supporting the actions and failure to act by the Middle District of Pennsylvania. Petitioners renew their reasons to this Court why a Writ should issue.

Respectfully submitted,

Scott & Brenda Lawvere
Ambassadors for Christ

Scott and Brenda Lawvere
Ambassadors for Christ
c/o P.O. Box 46,
Unityville, Penn. 17774
(717)458-4522